IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 927 OF 2007

Faizi Akhlaque Ahmed .. Petitioner

V/s

The Education Officer, Secondary, Nasik & Ors. .. Respondents

Mr.S.K. Shinde for the petitioner.

Mrs.S.S. Bhende, A.G.P. for respondents no.1, 2, 4 and 5.

Mr.N.R. Bubna for respondent no.3.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 27TH SEPTEMBER 2007

P.C. :

1. Heard learned counsel for the parties.

2. By this petition, the petitioner prays for release of his salary from the month of August 2006 and also prays for damages/compensation of Rs.50,000/- for wrongful withholding of his salary.

3. The petitioner is employed as an Assistant Teacher in a grantable school. The grant in respect of the petitioner was withheld by the respondent no.2 on

the ground that he (Education Officer) received a communication from the Inspector of Police that the petitioner is a member of SIMI, which is an organisation banned by the Government of India.

4. Subsequent to the filing of the petition, the salary of the petitioner has been released vide letter of the respondent no.2 dated 14th February 2007. Learned counsel for the petitioner also admits that the salary of the petitioner has since been released. In the circumstances, the main grievance of the petitioner that his salary has been wrongfully withheld is satisfied.

5. As regards the claim for compensation, we are not inclined to grant the same for the following reasons.

(i) In the petition itself, the petitioner has not denied that he is not a member of SIMI, an organisation which is banned by the Government of India.

(ii) The respondent no.2 was justified in withholding the salary pending enquiry as he had received a communication from the Inspector of Police entrusted with a duty to maintain law and order that the petitioner was a member of the organisation banned for

activities allegedly pertaining to law and order.

(iii) The question of compensation cannot be decided in writ jurisdiction especially in the facts and circumstances of this case.

6. It is clarified that it would be open for the management to hold an enquiry as to whether the petitioner is a member of a banned organisation and if so, what is its effect.

7. With these observations, the writ petition is disposed of.

(D.G. KARNIK, J.) (S.B. MHASE, J.)